

## § 1214.204

(2) The total volume of kiwifruit produced by the voting producer during the representative period; and

(3) The total volume of kiwifruit imported by the voting importer during the representative period.

(c) Give reasonable advance public notice of the referendum:

(1) By utilizing available media or public information sources, without incurring advertising expense, to publicize the dates, places, method of voting, eligibility requirements, and other pertinent information. Such sources of publicity may include, but are not limited to, print and radio; and

(2) By such other means as the agent may deem advisable.

(d) Mail to eligible producers and importers, whose names and addresses are known to the referendum agent, the instructions on voting, a ballot, and a summary of the terms and conditions of the proposed Order. No person who claims to be eligible to vote shall be refused a ballot.

(e) At the end of the voting period, collect, open, number, and review the ballots and tabulate the results in presence of an agent of the Office of Inspector General.

(f) Prepare a report on the referendum.

(g) Announce the results to the public.

### § 1214.204 Subagents.

The referendum agent may appoint any individual or individuals deemed necessary or desirable to assist the agent in performing such agent's functions in this subpart. Each individual so appointed may be authorized by the agent to perform any or all of the functions which, in the absence of such appointment, shall be performed by the agent.

### § 1214.205 Ballots.

The referendum agent and subagents shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, the agent or subagent shall endorse above their signature, on the ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefore, the results of any investigations made with

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respect thereto, and the disposition thereof. Ballots invalid under this subpart shall not be counted.

### § 1214.206 Referendum report.

Except as otherwise directed, the referendum agent shall prepare and submit to the Administrator a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to analysis of the referendum and its results.

### § 1214.207 Confidential information.

The ballots and other information or reports that reveal, or tend to reveal, the vote of any person covered under the Act and the voting list shall be held confidential and shall not be disclosed.

## PART 1215—POPCORN PROMOTION, RESEARCH, AND CONSUMER INFORMATION

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AUTHORITY: 7 U.S.C. 7481-7491.

SOURCE: 62 FR 39389, July 22, 1997, unless otherwise noted.

## Subpart A—Popcorn Promotion, Research, and Consumer In- formation Order

### DEFINITIONS

#### § 1215.1 Act.

*Act* means the Popcorn Promotion, Research, and Consumer Information Act of 1995, Subtitle E of Title V of the Federal Agriculture Improvement and Reform Act of 1996, Pub. L. 104-127, 7 U.S.C. 7481-7491, and any amendments thereto.

#### § 1215.2 Board.

*Board* means the Popcorn Board established under section 575(b) of the Act.

#### § 1215.3 Board member.

*Board member* means an officer or employee of a processor appointed by the Secretary to serve on the Popcorn Board as a representative of that processor.

#### § 1215.4 Commerce.

*Commerce* means interstate, foreign, or intrastate commerce.

#### § 1215.5 Consumer information.

*Consumer information* means information and programs that will assist consumers and other persons in making evaluations and decisions regarding the purchasing, preparing, and use of popcorn.

#### § 1215.6 Department.

*Department* means the United States Department of Agriculture.

#### § 1215.7 Fiscal year.

*Fiscal year* means the 12-month period from January 1 through December 31 each year, or such other period as recommended by the Board and approved by the Secretary.

#### § 1215.8 Industry information.

*Industry information* means information and programs that will lead to the development of new markets, new marketing strategies, or increased efficiency for the popcorn industry, or activities to enhance the image of the popcorn industry.

#### § 1215.9 Marketing.

*Marketing* means the sale or other disposition of unpopped popcorn for human consumption in a channel of commerce but shall not include sales or disposition to or between processors.

#### § 1215.10 Part and subpart.

*Part* means the Popcorn Promotion, Research, and Consumer Information Order and all rules and regulations and supplemental orders issued thereunder,